

EXHIBIT 6

ANA YANG - October 4, 2011

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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ANGEL FRALEY; PAUL WANG; SUSAN)
MAINZER; JAMES H. DUVAL, a minor,)
by and through JAMES DUVAL, as)
Guardian ad Litem; and WILLIAM)
TAIT, a minor, by and through)
RUSSELL TAIT, as guardian ad Litem;)
individually and on behalf of all)
others similarly situated,)

Plaintiffs,)

vs.)

FACEBOOK, INC., a corporation; and)
DOES 1-100,)

Defendants.)

)No. 11-CV-01726 LHK (PSG)

DEPOSITION OF FACEBOOK, INC., THROUGH ITS DESIGNEE

ANA YANG

October 4, 2011

H I G H L Y C O N F I D E N T I A L
PORTIONS OF THIS DEPOSITION MAY BE DESIGNATED AS
"CONFIDENTIAL" OR "HIGHLY CONFIDENTIAL" PURSUANT TO
COURT ORDER

reported by:

James Matthews, CSR 7916

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TOOKER & ANTZ COURT REPORTING & VIDEO SERVICES
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1 You can finish your answer.

2 MR. ARNS: I feel like I'm back in fifth grade.

3 THE WITNESS: So you can use your privacy settings
4 to adjust the stories that -- that show up in News Feeds, and
5 potentially sponsored stories. But there is not a single
6 click global opt out if that's what you're asking.

7 MR. ARNS: Q. What does Facebook mean by opting
8 out?

9 A. Do you want me to look at the document or do you
10 want me to just answer?

11 Q. Just what is the Facebook definition of opting out?
12 Do you know?

13 A. I don't know.

14 Q. That's fine. So that's a good answer.

15 Now -- okay, did you know that a user can opt out
16 of Facebook ads?

17 A. I still don't understand what you mean when you
18 talk about Facebook ads. Do you mean seeing Facebook ads?

19 Q. Just opt out of -- yes. Opt out of having any of
20 their user content being in Facebook ads -- any of their
21 profile information being in Facebook ads.

22 MR. BROWN: Object to the form of the question.

23 THE WITNESS: Yeah. I -- that's -- it -- I feel
24 like that question's really broad.

25 MR. ARNS: Q. Vague and ambiguous?

1 A. It means somebody boosted that information.

2 Q. What does BASS stand for?

3 A. I have no idea.

4 Q. Are you familiar with the term BASS being a term
5 used to describe sponsored stories?

6 MR. BROWN: Objection, asked and answered.

7 THE WITNESS: No.

8 MR. ARNS: Q. Take a five minute break?

9 (Brief recess taken.)

10 EXAMINATION BY MR. JAFFE

11 MR. JAFFE: Q. I'm going to give you Exhibit 151
12 again. This is the -- I'm sorry -- this is the SRR. It's
13 April 26th. Just a couple quick questions, follow-up
14 questions about that.

15 Is this the document that defines the terms that
16 apply to all users in the United States at the time it went
17 into effect?

18 MR. BROWN: Well, objection, vague and ambiguous as
19 to terms.

20 THE WITNESS: Yeah. It's a complete agreement

21 MR. JAFFE: Q. Complete agreement. Thank you.
22 Were -- have -- in the United States, the complete agreement
23 for users in the United States?

24 A. Yes.

25 Q. And have users ever been able to negotiate these

1 terms with Facebook?

2 A. Well, as I mentioned we have a notice and comment
3 period where the proposed documents are put up on the
4 Facebook site governance page, and users can read it and
5 comment for seven days. And then based on those
6 comments, based on if we take further action, then the
7 proposed document goes into effect.

8 Q. And that document is the same document for all
9 users even if they gave different comments, correct?

10 A. The document that ultimately goes into effect, yes.

11 Q. So no two users in the United States at the time
12 that this document has been in effect up until today will
13 have two different agreements with Facebook, correct?

14 MR. BROWN: Objection, vague and ambiguous. But --
15 you can -- answer if you understand.

16 THE WITNESS: I believe you are correct.

17 MR. JAFFE: Okay.

18 Q. Okay, thank you very much.

19 Oh, can I have that back?

20 Now I'm going to give you Exhibit 83, which is the
21 Statement of Rights and Responsibilities as of October 4th.
22 Is this the agreement that was in effect prior to Exhibit 151
23 that we just looked at?

24 A. Yes.

25 Q. Are you familiar with this agreement?

1 A. I am.

2 Q. Do the same -- scratch.

3 Was this agreement the same for all users in the
4 United States as of the date it went into effect until the
5 date it was supplemented -- I'm sorry -- supplanted by
6 Exhibit 151?

7 A. So there's two parts to that question. It was in
8 effect for all users. There may have been another version.
9 Between this and the April 26th one.

10 Q. I'm sorry -- what's the date on that?

11 A. October 4th. 2010.

12 Q. April 26th being Exhibit 151.

13 A. Yes.

14 Q. I'm not aware of that, and I apologize if I'm not.
15 For the purposes of this question I'd like you to assume that
16 this is the document that immediately preceded Exhibit 151.

17 A. Okay.

18 Q. In terms of the agreement with users. Were
19 individual users able to negotiate different agreements with
20 Facebook than that agreement while that agreement, Exhibit
21 83, was in effect?

22 MR. BROWN: Object to the form of the question.

23 THE WITNESS: Well, when this agreement was in
24 effect prior to the adoption of the subsequent agreement that
25 superseded this there was the seven day notice and comment

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1 period where users were commenting on the new agreement. But
2 this one was still in effect.

3 MR. JAFFE: Q. So while Exhibit 83 was in effect
4 there was no other agreement with any other user in the
5 United States that would bind that user differently than
6 Exhibit 83? In other words no more than one agreement
7 existed at a time? For any -- for all users in the United
8 States?

9 A. Correct. The October 4th agreement was the
10 complete agreement for users that was in effect for users in
11 the U.S. Yes.

12 Q. Okay, thank you. May I have that back?

13 I'm going to give you Exhibit 139. Which is
14 essentially the same I think as 81, but I could be wrong.
15 Can you tell me what this document is?

16 A. Yes.

17 Q. I was mistaken. It's actually a privacy policy not
18 the SRR.

19 Let me scratch that. May I have that back?

20 A. Sure.

21 Q. Thank you. Let me ask you a question about minors.
22 Minors who are users of Facebook in the United States. Have
23 the parents or the legal guardians of minors been required to
24 give their consent for the use of their wards -- meaning
25 their minors -- their children -- they take care of -- to

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1 CERTIFICATE OF DEPOSITION OFFICER--FEDERAL COURT

2
3 I, JAMES MATTHEWS, CSR No. 7916, duly authorized to
4 administer oaths, hereby certify that at the commencement of
5 the foregoing deposition the witness stated under penalty of
6 perjury that he or she would testify the truth, the whole
7 truth, and nothing but the truth in the within-entitled
8 cause; that said deposition was taken at the time and place
9 therein stated; that the testimony of said witness was
10 reported by me and thereafter transcribed by me or under my
11 direction into typewriting by computer; that the foregoing is
12 a full, complete, and true record of said testimony; and that
13 the deponent or a party requested review of the deposition
14 prior to completion of the deposition; and that the deponent
15 was given an opportunity to review the deposition.

16 I FURTHER CERTIFY that I am not of counsel nor attorney
17 for either or any of the parties in the foregoing deposition
18 and caption named, or in any way interested in the outcome of
19 the cause named in said caption.

20 _____
21 DEPOSITION OFFICER

22 I hereby certify this copy is a
23 true and exact copy of the
24 original

24 _____
25 DEPOSITION OFFICER